

**Minutes of Meeting  
Grafton Planning Board  
February 09, 2016**

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GRAFTON, MA.

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A regular meeting of the Grafton Planning Board was held on February 09, 2016 in Conference Room F at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Sargon Hanna, Vice-Chair Michael Scully, Clerk Robert Hassinger, David Robbins, and Linda Hassinger. Staff present was Town Planner Joseph Laydon and Assistant Planner Ann Morgan and Office Manager Nicole Larson.

Chairman Hanna called the meeting to order at 7:00 p.m.

**1: PUBLIC INPUT**

No public input at this time.

**ACTION ITEM 2A: DRAFT DECISION: SPECIAL PERMIT (SP 2015-15) – CONSTRUCTION OF AN ELEVATED DECK IN A FLOOD PLAIN - RANDY GAGNE (APPLICANT/OWNER) – 5 HITCHINGS ROAD.**

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to approve the drafted decision. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM 2B: DRAFT DECISION: MODIFICATION OF A DEFINITIVE SUBDIVISION PLAN APPLICATION – “GRAFTON HILL” SUBDIVISION – 12 CLEARVIEW STREET – WESTERLY SIDE GRAFTON LLC.**

The Board discussed the conditions and Emergency turn-around at the intersection of the cul-de-sac and would like the applicant to work in accordance with the Fire Department's needs for adequate roadway access for emergency egress.

**MOTION** by Mr. Robbins, **SECOND** by Mrs. Hassinger, to approve the modification of Definitive Subdivision Plan Application with discussed edit. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM 2C: ANNUAL REPORT APPROVAL**

Due to the current heavy workload, staff will need more time to complete this report and will have it ready for the upcoming meeting for the Board to review.

**ACTION ITEM 2D: APPROVAL NOT REQUIRED (ANR 2016-2) – 103 WORCESTER STREET – THEROUX / KEVIN BULGER, TRUSTEE OF THE BULGER FAMILY TRUST**

Due to incomplete documentation, this application for ANR will be discussed at the following meeting on February 22, 2106.

**REVIEW AND DELIBERATION ITEM 3A: DRAFT DECISION: MAJOR RESIDENTIAL SPECIAL PERMIT (MRSP 2014-10) – “VILLAGE AT INSTITUTE ROAD” SUBDIVISION – D. & F. AFONSO BUILDERS (APPLICANT/OWNER)**

The Board discussed language to be omitted from the Conditions Section and the need and recommendation for Cape Cod Berm with no sloped granite curbing due to the migration of species low to the ground, such as salamander. It was determined that the decision on the waiver request for sloped granite curbing would be deferred to the definitive stage of the application in order to meet the needs of the environmental and developmental requirements of the Conservation Commission.

**MOTION** by Mr. Robbins, **SECOND** by Mrs. Hassinger, to acknowledge the waiver request for sloped granite curbing and defer action on the waiver request until the definitive stages.

Mr. Scully requested a language edit for Finding F22, and noted the strong preference from the Emergency Management Committee. Mrs. Morgan instructed Mr. Scully to have the committee submit a letter of request for the emergency egress for the nearby school. The Board agreed that this topic could also be addressed during the definitive stage of the application.

**MOTION** carried unanimously 5 to 0.

**DISCUSSION ITEM 4B.i: WORKSHOP ITEMS – KENNEL BY-LAW DISCUSSION – DONNA GIROUARD, TOWN CLERK**

Donna Girouard, Town Clerk, of 177 Pleasant Street was present for the discussion. She reviewed the recent change in Massachusetts State Law concerning personal kennels and explained the impacting of this law now requires residents with four (4) or more dogs to apply for a personal kennel license, which is currently not allowed in a residential zone under the Zoning By-Laws. She also explained the need for individual dogs to each be issued a license as it back checks the animal for updated vaccinations. After some discussion, the Board agreed that the Zoning By-Law definition of “Animal Kennel” could use clarification, and Mr. Laydon suggested that “Personal Kennel” be indicated as a separate use with appropriate description. Staff will work with Mrs. Girouard to develop language for proposal to the Board.

**DISCUSSION ITEM 4B.ii: WORKSHOP ITEMS – FISHERVILLE SMART GROWTH OVERLAY DISTRICT – GENE BERNAT**

Gene Bernat, Owner of Fisherville Mill was present for the discussion. Due to the lengthy scope of the estimated market value as projected almost 10 years previous, Mr. Bernat is in need of seeing this project move forward and see his investment in the property come to fruition. In order to get the serious interest of potential investors and reduce the risk for such investment, Mr. Bernat feels that a change in the Zoning By-Law is needed. Specifically the Residential and Commercial zoning guidelines for the southern side of the property do not line up with the market needs for development. He proposed to the Board that the guidelines for commercial space be reduced from 40, 000 square feet to 10, 000 square feet along with de-coupled from the residential guidelines to avoid oversaturation of commercial space availability in the area. He would also like to decrease the number of housing of that parcel, which will intern decrease the number of parking spaces necessary, eliminating the need for costly structured parking at the site. Mr. Bernat would also like the 20,000 square feet of commercial area on the North Parcel to be comprised as a restaurant facility, which his potential investors have agreed with. There is a need for magnet activities in the area to bring a change to the dynamic of the project in order to drive a local market to create a local market and draw in people from the surrounding area. He proposes to the Board that a “by right” zoning for a brewery or a cidery is a good way to do this and reduce the risk for developers for the site. Mr. Robbins agrees that the time for 40R, developed over 10 years ago with this particular site in mind, have indeed changed, and now we are faced with a different type of market. Mr. Bernat asked the Board for their support for him to work with the Town Planner and develop a plan for developing a zoning use allowance to creating a magnet site using the waterfall as a natural attraction for the project and creating appropriate commercial space for the current demand.

**PUBLIC HEARING 7A: SPECIAL PERMIT (SP 2016-1) – PATRICIA GALLO  
(APPLICANT/OWNER) – 7 CHERYL DRIVE – ACCESSORY APARTMENT**

Clerk Hassinger read the Legal to open the Public Hearing. Present for the hearing was Patricia Gallo, of 7 Cheryl Drive. She informed the Board that here and her daughter bought the house last year and would like to put in an accessory apartment for family use only. The proposed space for the accessory apartment is a split level area with egress on the lower level. There would also be no change to the footprint of the house, only to the existing structure.

Robert Misterka, of 11 Cheryl Drive was also present for the hearing and addressed the Board with concerns he has considering its position to uphold the residential feel of the neighborhood from becoming a multi-family, more populated area. The Board assured Mr. Misterka that the permit is only for family use, which is legally recorded with the deed of the home and is not transmittable with the sale of the home. The Building Inspector also enforces any violations of the Special Permit guidelines as outlined in the decision.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Scully, to close the Public Hearing. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Scully, to direct staff to draft a decision based on the discussion, information and testimony received during the Public Hearing. **MOTION** carried unanimously 5 to 0.

**PUBLIC HEARING 7B: SITE PLAN APPROVAL (SPA 2016-1) – ACROPOLIS DESIGN  
CONSULTANTS – 13 CENTENNIAL DRIVE – AUTISM BEHAVIORAL SERVICES, A  
LEARNING CENTER**

Clerk Hassinger read the Legal to open the Public Hearing. Present for the hearing were applicant representatives Nassim Aoude, of 30 Rice Lane #7, Worcester MA, Travis Gordon, of 104 North Brookfield Road, East Brookfield MA, and Rafael Hernandez of 18 Darby Street, Worcester MA.

Mr. Laydon gave a review of the application and background of development of the operation. He explained to the Board that the understanding of the use of the space has changed from its initial understanding that was determined prior to the business moving into the space over the summer. First determined to be a professional office use by the Zoning Officer, it became clear that the actual use is more closely related to that of a daycare center use. Because of the lack of definition under the Campus Overlay District for this type of use, classification for both uses has differentiating requirements and Child Care is allowable only by accessory use, it became apparent to the Development Team that clarification of the use was needed and the applicant was asked to come back before the board with a Site Plan in order to satisfy the needs of both uses. The clarification of use also determines the emergency response protocol by the Fire Department. Mr. Laydon noted that parking for the facility is more than ample than what is required. The applicant will need to address signage at a separate time.

**MOTION** by Mr. Robbins, **SECOND** by Mr. Hassinger, to close the Public Hearing. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to direct staff to draft a decision taking into account the discussion and testimony from the Public Hearing. **MOTION** carried unanimously 5 to 0.

**DISCUSSION ITEM 4A: REPORT FOR PLANNING BOARD REPRESENTATIVE FOR THE LIBRARY PLANNING & BUILDING COMMITTEE**

Linda Hassinger expressed her interest in filling the position on the Library Planning & Building Committee.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins to nominate Linda Hassinger for the discussed position. **MOTION** carried Unanimously 5 to 0.

Mr. Laydon also reminded the Board that there will be a joint meeting with the Board of Selectmen to discuss Medical Marijuana, Recreational Marijuana and other zoning items that may come up. The Board determined that March 8, 2016 will be the best date to meet with March 14, 2016 as a backup meeting date.

**MOTION** By Mr. Hassinger, **SECOND** by Mr. Robbins, to make March 8, 2016 with back up of March 14, 2016 date for the joint meeting with the Board of Selectmen. **MOTION** carried 4 to 1. Nay from Mr. Scully.

**DISCUSSION ITEM 4B.iii: WORKSHOP ITEMS – AMENDMENTS TO USE TABLE CONTRACTOR YARD, LARGE FAMILY CHILD CARE HOME, ARTIST LIVE/WORK /GALLERY**

Mr. Laydon began the discussion by noting that these uses have changed quite a bit since they were created, almost 30 years ago. Concerning breweries and brewpubs, the Board discussed the relationship between food and drink and determined that the location will determine what works best for that specific site. Mr. Robbins noted that the size of an establishment should determine what is appropriate for the operation and building. The Board would like to define small scale versus large scale in relation to a brewery type operation. Mrs. Morgan noted that truck traffic needs to be a fundamental consideration along with floor space. Mr. Scully suggested defined production amounts to make distinctions for potential operations. Mr. Laydon will look into getting more information to provide Board Members with a sense of what a 60,000 gallon operation looks like physically in reference to permitting and space needed for such an operation. The Board requested examples of what other towns are doing in terms of laws for brewery operations and to collect physical examples of relative operations.

Mr. Laydon noted that the State has a new definition for home daycare with more than 6 children. He also noted that Grafton's Village Mixed Use Zoning does not define a live/work type of establishment and would like the Board to consider expanding the definition to include such a use. The Board discussed Bolock Plaza as a potential location for affordable housing location along with commercial area for small businesses in order to create a community connected by sidewalks with all the basic amenities to create a local market.

The Board discussed and was in support of a use by way of Special Permit for submission of an Artist Live/Work article.

**DISCUSSION ITEM 4C: SPECIAL PERMIT (SP 2014-9) – BORREGO SOLAR – STONEWALL – 79 OLD UPTON ROAD**

Due to new information received by the Planning Department, this discussion will be postponed until further notice.

**5A: GENERAL BUSINESS: BILLS**

The bills were circulated and signed.



**5B: GENERAL BUSINESS: STAFF REPORT:**

- Items for Town Meeting need to be solidified soon.
- Department has been working to better develop the website and will continue to make it more user friendly.
- Development Team Coordination between Conservation and Planning Departments, specifically on a few current commercial projects and an ANR that will be up and coming.
- Department is working with the Board of Selectman's office on the Visualiation project for Worcester Street.
- Affordable Housing Trust is meeting on March 3, 2016 and hope to engage the public and all Town Board Members to make a 5-year action plan on how to move forward with spending.
- Sign up for News and Announcements on line and see the new Public Comment Form.

**5C.1: GENERAL BUSINESS: MINUTES FROM FEBRUARY 12, 2015 OPEN MEETING.**

**MOTION** By Mr. Robbins, **SECOND** by Mrs. Hassinger, to approve the meeting minutes for February 12, 2015 as drafted. **MOTION** carried unanimously 5 to 0.

**5C.2: GENERAL BUSINESS: MINUTES FROM JANUARY 11, 2016 OPEN MEETING.**

**MOTION** By Mr. Robbins, **SECOND** by Mr. Hassinger, to approve the meeting minutes from January 11, 2015 with discussed edits. **MOTION** carried unanimously 5 to 0.

**5C.3: GENERAL BUSINESS: MINUTES FROM JANUARY 26, 2016 OPEN MEETING.**

**MOTION** By Mr. Robbins, **SECOND** by Mr. Hassinger, to approve the meeting minutes from January 26, 2015 as drafted. **MOTION** carried unanimously 5 to 0.

**5D: GENERAL BUSINESS: CORRESPONDENCE**

No discussion was had on this topic.

**ITEM 6. REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC**

No items reported at this time.

**ITEM 8: ANY OTHER ITEMS WHICH MAY LAWFULLY COME BEFORE THE BOARD**

No other items came before the Board.

**ITEM 10: EXECUTIVE SESSION: BORREGO SOLAR – SPECIAL PERMIT (SP 2014-10) – 79 OLD UPTON ROAD – UPDATE ON LITIGATION**

Mr. Hanna stated that an executive session meeting of the Planning Board is being convened on February 09, 2016 for the sole purpose of discussing updates with respect to the litigation as authorized by Massachusetts Law Chapter 38 Section 21.

Mr. Robbins **MOVED**, Mrs. Hassinger **SECONDED** that the Board enter executive session for the sole purpose of discussing updates with the respect to litigation and concurrently adjourn the

meeting from executive session. Mrs. Hassinger: Aye, Mr. Robbins: Aye, Mr. Hassinger: Aye, Mr. Scully: Aye, Mr. Hanna: Aye,

Present for this executive session will be Planning Board Chairman Mr. Hanna, Vice-Chair Mr. Scully, Clerk Mr. Hassinger and members Mrs. Hassinger and Mr. Robbins, along with Town Planner Joe Laydon, and Office Manager Nicole Larson.

### **ADJOURNMENT**

The open meeting was adjourned at 9:50 p.m.

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Robert Hassinger, Clerk

### **EXHIBITS**

- Plan Drawing: Stonewall; Special Permit (SP 2014-9) Borrego Soar Facility – 79 Old Upton Road; no date; received December 16, 2015; 11” X 17”: black and white; 1 page.
- Draft Decision: Special Permit (SP 2015-15) – Construction Of An Elevated Deck In A Flood Plain - Randy Gagne (Applicant/Owner) – 5 Hitchings Road; dated February 4, 2016; no received date; 6 pages.
- Draft Decision: Modification Of A Definitive Subdivision Plan Application – “Grafton Hill” Subdivision – 12 Clearview Street – Westerly Side Grafton LLC; Draft #2; dated February 4, 2016; no received date; 17 pages.
- Draft Decision: Major Residential Special Permit (MRSP 2014-10) – “Village At Institute Road” Subdivision – D. & F. Afonso Builders (Applicant/Owner); dated February 7, 2016; no received date; 18 pages.
- Correspondence Letter from Donna Girouard, Town Clerk; Re: Proposed Zoning By-Law Change Relative to Dogs; dated January 28, 2016; received January 27, 2016; 1 page.
- Approval Not Required (ANR 2016-2) – 103 Worcester Street – Theroux / Kevin Bulger, Trustee Of The Bulger Family Trust; includes the following:
  - Form A; received January 27, 2016; 1 page.
  - Affidavit ANR Plan Submittal; received January 27, 2016; 1 page.
  - Statement of Compliance; received February 3, 2016; 1 page.
  - Deed of property; dated March 22, 1993; received January 27, 2016; Book 14991, page 389-391; 3 pages.
  - Certificate of Good Standing; received by the Treasure Collector January 11, 2016; 1 page.
- Special Permit (SP 2016-1) – Patricia Gallo (Applicant/Owner) – 7 Cheryl Drive – Accessory Apartment; received January 5, 2016; includes the following:

- Application for Site Plan Approval; Received by the Town Clerk on January 5, 2016; dated December 28, 2015; 1 page.
- Application for Special Permit; Received by the Town Clerk on January 5, 2016; dated December 28, 2015; 1 page.
- Project Narrative; no date; 1 page.
- Site Images; color; 8" X 11" no date; no received date; 1 page.
- Certificate of Good Standing; dated December 28, 2015 by the Treasure Collector; 1 page.
- Request for Abutters List; received by the Grafton Assessors December 28, 2015; 1 page.
- Abutters List; dated December 28, 2015; 1 page.
- Waiver Request List; no date; 1 page.
- Site Plan; black and white; 8" X 11"; no dated; 1 page.
- GIS map with property information; black and white; 8" X 11"; dated December 28, 2016; 2 pages.
- Site Plan Approval (SPA 2016-1) – Acropolis Design Consultants – 13 Centennial Drive – Autism Behavioral Services, A Learning Center; includes the following:
  - Application for Site Plan Approval; received date January 13, 2016; 1 page.
  - Email Correspondence; Sent by David Sadowski; dated December 16, 2015; no received date; 2 pages.
  - Traffic Impact Assessment; prepared by David Sadowski; dated January 4, 2016; no received date; 1 page.
  - Parking Space Analysis: Section 4.2 Off Street Parking; prepared by David Sadowski; dated January 4, 2016; 1 page.
  - Certificate of Good Standing; received by the Treasurer and Collector on January 13, 2016; received January 13, 2016; 1 page.
  - List of Abutters; signed by Assessors Office Manager; dated January 7, 2016; received January 13, 2016; 1 page.
  - Existing Conditions Plan; prepared by Sadowski Engineering; 11" X 17"; black and white; dated December 17, 2015; received January 13, 2016; 1 page.
  - Partial Change of Use from B-Business to E-Educational – Code Review: dated December 24, 2015; no received date; 13 pages.
  - Letter of Correspondence; Re: 13 Centennial Drive, Submission Requirements Per Section 1.3.3.3; prepared by David Sadowski; dated January 12, 2016; no received date; 3 pages.
  - Plan Set; 11" X 17"; color; dated January 11, 2016; received January 13, 2016; 6 pages.
  - Letter of Correspondence: Facility Description; no date; received January 14, 2016; 1 page.
  - Departmental Comment Form; submitted by Chief Normand Crepeau; dated January 16, 2016; received January 15, 2016; 1 page.
  - Letter of Correspondence; Re: Autism behavioral Services, 13 Centennial Drive; submitted by Stephen Charest, Assistant Chief; dated January 29, 2016; received February 1, 2016; 1 page.
- Zoning Definitions for Microbrewery/Brewpub; created by Joseph Laydon, Town Planner; dated January 3, 2016; no received date; 3 pages.

- Proposed Zoning Amendment, 2016 Spring Annual Town Meeting; Microbrewery, Micro-winery, Micro-cidery and Brewpub; created by Joseph Laydon, Town Planner; no date; no received date; 1 page.
- Proposed Zoning Amendment, 2016 Spring Annual Town Meeting; Artist Live/Work/Gallery, Large Family Child Care Home and Contractor's Yard; created by Joseph Laydon, Town Planner; no date; no received date; 1 page.
- Draft Minutes from February 12, 2015 Open Meeting; no date; no received date; 6 pages.
- Draft Minutes from January 11, 2016 Open Meeting; no date; no received date; 8 pages.
- Draft Minutes from January 26, 2016 Open Meeting; no date; no received date; 3 pages.
- Grafton Affordable Housing Trust Action Plan 2016: Invitation For Town Officials & Residents; 1 page.